

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

In Re Anthony Moore

ORDER ADOPTING REPORT AND RECOMMENDATION

Case No.: 3:12-mc-5

Anthony Moore, an inmate at the James River Correctional Center in Jamestown, North Dakota, submitted a proposed complaint and a motion to proceed *in forma pauperis*. As a prohibited filer under the Prison Litigation Reform Act of 1996, he is not entitled to proceed *in forma pauperis* unless he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g); see also, Martin v. Shelton, 319 F.3d 1048, 1050 (8th Cir. 2003). Moore asserts in his petition that he is in imminent danger of serious physical injury because of various ailments such as a foot fungus, sore throat, influenza, and sores in his mouth. Magistrate Judge Karen Klein has issued a Report and Recommendation concluding that Moore has failed to sufficiently support his claims of serious physical injury and that in any event, his petition should not be accepted because he is a prohibited filer based on his previous abuses of the judicial system.

The Court has reviewed the Report and Recommendation, along with the entire file, and finds the Magistrate Judge's analysis and recommendations are appropriate. Accordingly, the Court adopts the Report and Recommendation in its entirety. The Clerk is instructed not to file the complaint submitted and to deny Moore's request to proceed *in forma pauperis* both in this Court and upon any appeal.

IT IS SO ORDERED.

Dated this 14th day of September, 2012.

/s/ *Ralph R. Erickson*
Ralph R. Erickson, District Judge
United States District Court